

February 23, 1996 LB 1248

amount simply makes it abnormal. I would believe it combined with other circumstances and situations the county find itself in, or the governmental unit.

SENATOR CHAMBERS: Okay. So the way this bill is drafted, we "seper" out...we separate out legal costs from these disasters. Now, dealing only with the legal costs, whether we talk about the case, and I'm dealing with homicide, being one where the death penalty will be sought or a plea bargain will be entered into, is that an unusual or a normal course of conduct for a county to engage in, the prosecution of homicide cases? Is that normal or abnormal?

SENATOR HILGERT: On the face of it, the simple prosecution of that type of case is, I would say, is not abnormal.

SENATOR CHAMBERS: Is there anything abnormal about a county attorney actually seeking the death penalty in a homicide case which he or she deems to fit within the aggravating circumstances of the law that make the death penalty an option?

SENATOR HILGERT: I would say that's not common, but I would like...I would say that that's not abnormal as far as...

SENATOR CHAMBERS: Right, and I'm glad you used the term "common", because there is a difference between what is commonly or routinely done and what is abnormal.

SENATOR HILGERT: Right.

SENATOR CHAMBERS: And simply because it's not commonly done doesn't make it abnormal.

SENATOR HILGERT: Right.

SENATOR CHAMBERS: I want to keep us thinking of that which is normal or abnormal as being within what you could expect to occur within the options legally available to a county or its officers. Is it known generally that prosecuting a case and seeking the death penalty will be more expensive than a case where a plea bargain is going to be involved or a lower grade of homicide is charged and prosecuted?

SENATOR HILGERT: I would say that I'm not sure those are